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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,206	05/02/2001	Babak E. Arfaa	081601.00001	7261

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WHITEFORD, TAYLOR & PRESTON, LLP
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SEVEN SAINT PAUL STREET
BALTIMORE, MD 21202-1626

EXAMINER

LIN, WEN TAI

ART UNIT	PAPER NUMBER
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2154

MAIL DATE	DELIVERY MODE
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11/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/846,206

Applicant(s)

ARFAA, BABAK E.

Examiner

Wen-Tai Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/17/2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 6-11 are presented for examination. Claim 11 is newly added.
2. The Affidavit filed on 9/17/2007 under 37 CFR 1.131 is insufficient to overcome the rejection of claims ⁶~~7~~-10 based upon Bain as set forth in the last Office action ^{ate} because the facts presented are not germane to the rejection at issue. Specifically: (1) Exhibit A broadly describing a vague idea of setting up an Internet community, highwayLUV.com, which may result in commercial applications; (2) Exhibit B is a non disclosure agreement between QWEST and HIGHWAYLUV.COM, wherein no technical content was disclosed. Thus the scope of the Exhibits is not commensurate with the scope of the claims, which centers on associating license plate information with an electronic address, such as a cellular phone, for creating instant messaging between the drivers of respective vehicles.

In view of the foregoing, it is concluded that the evidence submitted fails to establish a conception of the invention or a reduction to practice prior to the effective date of the Bain reference. It is noted that while conception is the mental part of inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another.

3. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Specifically, claim 11 requires that the electronic address be standardized for all types of contacts. The phrase "all types of contacts" appears to be broadly claiming all types of human communication means using electronic media, rendering the claim to be indefinite in scope.

Claim Rejections - 35 USC § 102

5. Claims 6-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Bain et al.[U.S. PGPub 20010034768].

6. As to claim 6, Bain teaches the invention as claimed including: a system for communicating with a motorist, comprising:

a repository in which vehicles are assigned electronic addresses according to its license plate registration number [e.g., Abstract; paragraph 8];

and an instant messaging service that enables the motorist to be contacted at the electronic address assigned to said license plate registration number [e.g., paragraphs 6 and 59].

7. As to claims 7-8, Bain further teaches that an algorithm coordinates a plurality of electronic addresses for each license plate registration number, wherein the motorist can simultaneously communicate over each of said plurality of electronic addresses [e.g., paragraphs 7-8].

Claim Rejections - 35 USC § 103

8. Claims 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bain et al.(hereafter "Bain")[U.S. PGPub 20010034768], as applied to claims 6-8 above, further in view of Himmelstein [U.S. PGPub 20040162064].

9. As to claims 9-11, Bain teaches the invention substantially as claimed including: a system for communicating with a motorist, comprising:

a repository in which vehicles are assigned a telephone address according to its license plate registration number [e.g., paragraphs 33-42 and 50];

Bain does not specifically teach that the telephone address is a cellular phone number and use a wireless telephone service to enable the motorist to be contacted at the telephone address assigned to said license plate registration number.

However, mobile communication using wireless telephone service is well known in the art. For example, Himmelstein teaches a system for driver-to-driver communications based on wireless phone system, which is equivalent to the conventional cellular phone system [see Fig.1 and the related passage].

Since Bain teaches that each user's identification and his vehicle could be correlated through the records built into a database, it would have been obvious to one of ordinary skill in the art to have also included cellular phone numbers into the database because it provides a rather convenient option for the drivers over the cellular phone using the license plate number as a key to find the cellular phone number [paragraph 61].

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Wertheim, [US 6,269,372], filed 11/14/1998, discloses a method for associating license plate information to email addresses in a database such that a registrant may send email message to another by entering the license plate information; and

Matthews et al., [US5,844,987], filed 1/3/1997, discloses a communication system for enabling drivers of two vehicles to communicate (over the phones) by

associating the vehicle identification with information such as selected phone numbers in a database.

11. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

12. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant.

Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part

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of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday(8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached on (571) 272-1915. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(571) 273-8300 for official communications; and

(571) 273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

November 1, 2007

Wen-Tai Lin
11/1/07